

date for the end-of-model year averaging, trading, and banking reports. Records may be retained as hard copy or reduced to microfilm, ADP files, etc., depending on the manufacturer's record retention procedure, provided that in every case all the information contained in the hard copy is retained.

(c)(4)-(d)(1)(v) [Reserved]

(d)(1)(vi) Any facility where any record or other document relating to the information specified in paragraph (h) of this section is located.

(2) Upon admission to any facility referred to in paragraph (d)(1) of this section, any EPA Enforcement Officer or any EPA authorized representative shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle (or engine) preconditioning, emissions tests and mileage (or service) accumulation, maintenance, and vehicle soak and storage procedures (or engine storage procedures), and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents, including those records specified in § 86.091-7(c); and

(iii) To inspect and make copies of any such records, designs or other documents including those records specified in paragraph (h) of this section; and

(iv) To inspect and/or photograph any part or aspect of any such certification vehicle (or certification engine) and any components to be used in the construction thereof.

(d)(3)-(g) [Reserved]

(h)(1) [Reserved]

(2) In addition, the manufacturer (or contractor for the manufacturer, if applicable) of each certified engine family shall establish, maintain, and retain adequately organized records of the actual U.S. sales volume for the model year for each engine family. The manufacturer may petition the Administrator to allow actual volume produced for U.S. sale to be used in lieu of actual U.S. sales. Such petition shall be submitted within 30 days of the end of the model year to the Manufacturer Operations Division. For the petition to be granted, the manufacturer must

establish to the satisfaction of the Administrator that actual production volume is functionally equivalent to actual sales volume.

(3) The manufacturer (or contractor for the manufacturer, if applicable) shall retain all records required to be maintained under this section for a period of eight (8) years from the due date for the applicable end-of-model year report. Records may be retained as hard copy or reduced to microfilm, ADP film, etc., depending on the manufacturer's record retention procedure, provided that in every case all the information contained in the hard copy is retained.

(4) Nothing in this section limits the Administrator's discretion in requiring the manufacturer to retain additional records or submit information not specifically required by this section.

(5) Pursuant to a request made by the Administrator, the manufacturer shall submit to him the information that is required to be retained.

[56 FR 25740, June 5, 1991, as amended at 57 FR 31897, July 17, 1992; 75 FR 22978, Apr. 30, 2010]

§ 86.094-13 Light-duty exhaust durability programs.

(a)(1) This section describes the various durability programs available to manufacturers for determining exhaust deterioration factors (DFs) for the certification of 1994 and beyond model year light-duty vehicles and light-duty trucks. While this section describes many of the important elements of these durability programs, it is not intended as an exhaustive list of all requirements applicable either to these programs or to the certification process.

(2) The durability programs consist of various elements, such as a statement of applicability, a service accumulation method, vehicle/component selection methods, durability data vehicle compliance requirements, in-use verification requirements, optional elements, data reporting requirements, and additional requirements. Cross references to other sections in this subpart are indicated where appropriate.

(b) The following table summarizes the durability programs available to

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all manufacturers of light-duty vehicles and light-duty trucks. The Tier 1 and Tier 0 standards cited in the table are those specified in § 86.094–8 (for light-duty vehicles) and § 86.094–9 (for light-duty trucks). The durability programs described in this section are sep-

arate and distinct alternatives, such that determination of an exhaust deterioration factor under one program does not require compliance with the requirements of a different durability program.

Class	Standards	Durability program name	Optional elements
Light-duty Vehicles	Tier 1	Standard AMA	Carryover. Extrapolation. Substitute AMA.
		Production AMA	Carryover. Extrapolation. Substitute AMA.
		Alternative Service Accumulation	Carryover.
	Tier 0	Standard AMA	Carryover. Substitute AMA.
		Production AMA	Carryover. Substitute AMA.
		Alternative Service Accumulation	Carryover.
Light-duty Trucks	Tier 1 & Tier 0	Standard Self-Approval	Carryover.
		Alternative Service Accumulation	Carryover.

(c) *Standard AMA durability program—*
(1) *Applicability.* The standard AMA durability program is applicable to light-duty vehicles in model years 1994 and beyond.

(2) *Service accumulation method.* The method shall be mileage accumulation performed on whole durability data vehicles, using the Durability Driving Schedule (commonly referred to as the AMA schedule) specified in appendix IV to this part. The provisions of § 86.094–26(a), which include vehicle weight requirements, the duration of mileage accumulation, and the specification of emission tests to be performed during the mileage accumulation, shall apply. Scheduled and unscheduled maintenance may be performed on the vehicle in accordance with the provisions of § 86.094–25.

(3) *Vehicle/component selection method.* Durability data vehicles shall be selected by the Administrator as required in § 86.090–22(a) and in accordance with the provisions of § 86.094–24(c)(1). Typically, the Administrator selects one durability data vehicle to represent each engine-system combination. The selection of durability data vehicles is also governed by § 86.091–7(a)(2)(i)(A), which generally requires that vehicles used for certification must be representative of production vehicles.

(4) *Durability data vehicle compliance requirements.* Durability data vehicle compliance requirements for the Standard AMA Durability Program are contained in § 86.094–28(a). These include the method of calculating deterioration factors, line crossing criteria, and related requirements.

(5) *In-use verification.* Manufacturer testing of in-use vehicles subsequent to certification is not a requirement of the Standard AMA Durability Program.

(6) *Optional elements—*(i) *Extrapolation.* Manufacturers selecting the Standard AMA Durability Program may petition the Administrator for the use of extrapolated mileage accumulation data according to the provisions of § 86.094–26(a)(4) for use in certifying light-duty vehicles to the Tier 1 standards of § 86.094–8. If use of extrapolated data is approved, deterioration factors are determined by the method of linear extrapolation described in § 86.094–28(a)(4)(i).

(ii) *Substitute AMA.* Manufacturers selecting the Standard AMA Durability Program may petition the Administrator under § 86.094–26(a)(2)(ii) to substitute a different whole-vehicle mileage accumulation schedule for the Durability Driving Schedule (standard AMA) specified in appendix IV to this part.

(iii) *Carryover and carryacross.* Manufacturers selecting the Standard AMA Durability Program may petition the Administrator for the use of carryover or carryacross mileage accumulation data according to the provisions of § 86.094–24(f). If use of carryover or carryacross data is approved, deterioration factors are determined by the method of linear extrapolation described in § 86.094–28(a)(4)(i).

(7) *Data reporting requirements.* Data reporting requirements for the Standard AMA Durability Program are contained in §§ 86.094–21, 86.094–23(b)(1)(i), and 86.094–26 (a)(6)(ii) and (a)(7).

(d) *Production AMA durability program—(1) Applicability.* The production AMA durability program is applicable to light-duty vehicles in model years 1994 and beyond.

(2) *Service accumulation method.* The method shall be mileage accumulation performed on whole durability data vehicles, using the Durability Driving Schedule (commonly referred to as the AMA schedule) specified in appendix IV to this part. The provisions of § 86.094–26(a), which include vehicle weight requirements, the duration of mileage accumulation, and the specification of emission tests to be performed during the mileage accumulation, shall apply. Scheduled and unscheduled maintenance may be performed on the vehicle in accordance with the provisions of § 86.094–25.

(3) *Vehicle/component selection method.* Durability data vehicles shall be selected by the Administrator as required in § 86.090–22(a) and in accordance with the provisions of § 86.094–24(h). Typically, the Administrator selects several random production durability data vehicles, up to a maximum of three vehicles per engine family group.

(4) *Durability data vehicle compliance requirements.* Durability data vehicle compliance requirements for the Production AMA Durability Program are contained in § 86.094–28(a)(7). These include the method of calculating deterioration factors, line crossing criteria, and related requirements.

(5) *In-use verification.* The Production AMA Durability Program includes no requirement for manufacturer testing

of in-use vehicles subsequent to certification.

(6) *Optional elements—(i) Extrapolation.* Manufacturers selecting the Production AMA Durability Program may petition the Administrator for the use of extrapolated mileage accumulation data according to the provisions of § 86.094–26(a)(4) for use in certifying light-duty vehicles to the Tier I standards of § 86.094–8. If use of extrapolated data is approved, deterioration factors are determined by the method of linear extrapolation described in § 86.094–28(a)(7)(ii)(B).

(ii) *Substitute AMA.* Manufacturers selecting the Production AMA Durability Program may petition the Administrator under § 86.094–26(a)(2)(ii) to substitute a different whole-vehicle mileage accumulation schedule for the Durability Driving Schedule (standard AMA) specified in appendix IV to this part.

(iii) *Carryover and carryacross.* Manufacturers selecting the Production AMA Durability Program may petition the Administrator for the use of carryover or carryacross mileage accumulation data according to the provisions of § 86.094–24(h)(1)(v). If use of carryover or carryacross data is approved, deterioration factors are determined by the method of linear extrapolation described in § 86.094–28(a)(7)(ii)(B).

(7) Data reporting requirements for the Production AMA Durability Program are contained in §§ 86.094–21, 86.094–23(b)(1)(i), and 86.094–26 (a)(6)(ii) and (a)(7).

(8) *Additional requirements.* (i) For engine families subject to the procedures of the Production AMA Durability Program, the manufacturer shall submit deterioration factors to the Administrator for approval to use them for certification. The Administrator shall approve the use of deterioration factors that:

(A) The manufacturer attests are representative of the durability performance of its vehicles in actual field use when maintained according to the manufacturer's maintenance instructions (as limited under § 86.094–25(a)); and

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(B) Are equal to or greater than the deterioration factors that EPA determines under paragraph (d)(8)(ii) of this section.

(ii) EPA shall determine minimum deterioration factors for engine families subject to the Production AMA Durability Program. This determination shall be based on a procedure of grouping engine families (see § 86.094-24(a)) in order to use historical certification data to determine deterioration factors for each engine family group. The historical data shall be updated yearly through the testing of production durability data vehicles. Test vehicle requirements under these procedures are contained in § 86.094-24 (h) and compliance requirements are contained in § 86.094-28(a)(7).

(iii) *Request procedures.* (A) A manufacturer wishing to participate in the Production AMA Durability Program must submit to the Administrator, for each model year, a written request describing the engine families that the manufacturer elects to be included in the program.

(B) The Administrator may declare ineligible any engine family for which the Administrator determines there is unreasonable risk in determining a deterioration factor using the methods of the Production AMA Durability Program. Furthermore, the Administrator may limit the number of engine families within the manufacturer's product line that are eligible for the Production AMA Durability Program.

(C) Upon approval of the manufacturer's request to participate, the Administrator and the manufacturer may enter into a written agreement prescribing the terms and conditions of the program. This agreement shall be equitable as compared to agreements entered into with other manufacturers. The agreement shall specify:

(1) The engine families to be included in the program and the engine family groups that have been established by the provisions of § 86.094-24(a) (8) and (9);

(2) The procedures for the selection of production durability data vehicles specified under the provisions of § 86.094-24(h); and

(3) The procedures for the determination of minimum exhaust emission de-

terioration factors for each engine family group.

(iv) *Withdrawal from Production AMA Durability Program.* (A) Subject to the conditions of paragraphs (d)(8)(iv) (B) through (F) of this section, a manufacturer may, at any time, withdraw all of its product line or separate engine family groups from this program. Only entire engine family groups may be withdrawn.

(B) Once any engine family in an engine family group is certified using deterioration factors determined in the Production AMA Durability Program, the manufacturer shall operate and test the production durability data vehicles specified in § 86.094-24(h) in accordance with the procedures of this part.

(C) The Administrator shall notify the manufacturer if a nonconformity of a category of vehicles within the engine family group is indicated by the production durability data. For the purpose of this paragraph, a nonconformity is determined to exist if:

(1) Any emission data vehicle within an engine family of the model year most recently certified under the production AMA Durability Program is projected to exceed an emission standard by applying deterioration factors generated by a production durability data vehicle within the same engine family; or

(2) Any of the most recent model year's production durability data vehicle configurations tested under paragraph (d)(8)(iv)(B) of this section line crosses as defined in § 86.094-28(a)(7)(ii)(C). For the purpose of this paragraph, data from identical vehicles will be averaged as under § 86.094-28(a)(4)(i) (A) and (B)

(D) If the Administrator notifies a manufacturer of such a nonconformity, the manufacturer shall submit, by a date specified by the Administrator, a plan to remedy the nonconformity which is acceptable to the Director, Office of Mobile Sources. For the purpose of this paragraph, the term "remedy the nonconformity" will have the same meaning as it does when it appears in section 207(c)(1) of the Clean Air Act (42 U.S.C. 7541(c)(1)).

(E) The manufacturer shall comply with the terms of the remedial plan approved by the Director, Office of Mobile Sources.

(F) If a manufacturer does not comply with the requirements of paragraph (d)(8)(iv) (B), (D), or (E) of this section, the Administrator may deem the certificate of conformity for the affected engine families void *ab initio*.

(e) *Alternative Service Accumulation Durability Program*—(1) *Applicability*. The Alternative Service Accumulation Durability Program is applicable to light-duty vehicles and light-duty trucks in model years 1994 and beyond.

(2) *Service accumulation method*. (i) The manufacturer shall propose a service accumulation method for the Alternative Service Accumulation Durability Program, for advance approval by the Administrator. The method shall be consistent with good engineering practice and be designed to accurately predict the deterioration of the vehicle's emissions in actual use over its full useful life.

(ii) Manufacturers may propose service accumulation methods based upon whole-vehicle mileage accumulation, bench aging of individual components or systems, or a combination of the two approaches. Bench procedures should simulate the aging of components or systems over the applicable durability useful life as defined in § 86.094-2 and should simulate cycles and environments found in actual use. For this purpose, manufacturers may remove the emission-related components, in whole or in part, from the durability vehicle itself and deteriorate them independently. Vehicle testing for the purpose of determining deterioration factors may include the testing of durability vehicles that incorporate such bench-aged components.

(iii) Service accumulation shall be according to the method approved in advance by the Administrator.

(3) *Vehicle/component selection method*. The manufacturer shall propose a vehicle/component selection method for the Alternative Service Accumulation Durability Program for advance approval by the Administrator. The vehicle/component selection shall be according to the method approved in advance by the Administrator. The selection of dura-

bility data vehicles and components is also governed by § 86.091-7(a)(2)(i)(A), which generally requires that vehicles and components used for certification must be representative of production vehicles and components.

(4) *Durability data vehicle compliance requirements*. The manufacturer shall propose procedures for the calculation of deterioration factors and for the determination of vehicle compliance for advance approval by the Administrator. The Administrator may approve the use of such procedures if the manufacturer demonstrates that the resulting deterioration factors are likely to be representative of the in-use performance of the vehicles. The calculation of deterioration factors and the determination of vehicle compliance shall be according to the procedures approved in advance by the Administrator.

(5) *In-use verification*. Manufacturers selecting the Alternative Service Accumulation Durability Program shall agree to perform an in-use verification program, which shall include testing on in-use vehicles certified under the program in the years subsequent to certification. The purpose of the in-use verification program is to confirm the adequacy of the manufacturer-designed components of the Alternative Service Accumulation Durability program. The manufacturer shall propose sample sizes, recruitment procedures, testing procedures, optional provisions for the cessation of testing in the event the in-use testing confirms the adequacy of elements of the Alternative Service Accumulation Durability Program, and remedies in the event the in-use testing fails to confirm the adequacy of elements of the Alternative Service Accumulation Durability program. These and other elements of in-use verification are subject to advance approval by the Administrator.

(6) *Optional element: Carryover and carryacross*. Manufacturers selecting the Alternative Service Accumulation Durability Program may petition the Administrator for the conditional use of carryover or carryacross mileage accumulation data according to the provisions of § 86.094-24(f). If use of carryover or carryacross data is approved, deterioration factors are determined by

the method described in paragraph (e)(4) of this section.

(7) *Data reporting requirements.* (i) Data reporting requirements for the Alternative Service Accumulation Durability Program are contained in §§ 86.094-21, 86.094-23(b)(1)(i), and 86.094-26(a)(6)(ii) and (a)(7).

(ii) In addition to the reporting of deterioration factors determined under paragraph (e)(4) of this section, the manufacturer shall provide reliability data that shows to the Administrator's satisfaction that all emission-related components are designed to operate properly for the durability useful life of the vehicles in actual use (or such shorter intervals as permitted in section § 86.094-25).

(8) *Additional requirements.* (i) The manufacturer shall consolidate the approved versions for each of the required elements of the Alternative Service Accumulation Durability Program into a written agreement that documents the details of the program and the manufacturer's responsibilities. The manufacturer shall submit this agreement for approval by the Administrator as part of the application for certification.

(ii) The manufacturer may amend the written agreement entered into pursuant to paragraph (e)(8)(i) of this section so long as the manufacturer demonstrates to the satisfaction of the Administrator that the proposed amendments to the agreement improve upon the in-use verification portion of the existing agreement. Such amendment to the Alternative Service Accumulation Durability Program agreement is subject to the prior approval of the Administrator.

(iii) The certification requirements described in § 86.094-30(a)(14) are applicable.

(f) *Standard Self-Approval Durability Program—(1) Applicability.* The Standard Self-Approval Durability Program is applicable to light-duty trucks in the 1994 and beyond model years.

(2) *Service accumulation method.* The manufacturer shall determine the form and extent of service accumulation used in the Standard Self-Approval Durability Program, according to the provisions of § 86.094-26(b)(2). The method shall be consistent with good engineer-

ing practice and be designed to evaluate the mechanisms that are expected to cause deterioration of the vehicle's emissions over its full useful life.

(3) *Vehicle/component selection method.* The manufacturer shall determine the vehicle/component selection method for use in the Standard Self-Approval Durability Program according to the provisions of § 86.094-24(c)(2). Manufacturers shall select the vehicles, engines, subsystems, or components for each engine-system so that their emissions deterioration characteristics may be expected to represent those of in-use vehicles, based on good engineering judgment. The selection of durability data vehicles or components is also governed by § 86.091-7(a)(2)(A), which generally requires that vehicles and components used for certification must be representative of production vehicles and components.

(4) *Durability data vehicle compliance requirements.* Durability data vehicle compliance requirements for the Standard Self-approval Durability Program are contained in § 86.094-28(b). These include the method of calculating deterioration factors and related requirements.

(5) *In-use verification.* The Standard Self-Approval Durability Program includes no requirement for manufacturer testing of in-use vehicles subsequent to certification.

(6) *Data reporting requirements.* Data reporting requirements for the Standard Self-Approval Durability Program are contained in §§ 86.094-21, 86.094-23(b)(1)(ii), and 86.094-26(d).

(7) *Additional requirement.* The Administrator does not approve the test procedures for establishing exhaust emission deterioration factors. The manufacturer shall submit these procedures and determinations as required in § 86.094-21(b)(5)(i)(A).

(g) *Assigned deterioration factor durability program—(1) Applicability—(i) Small volume manufacturers.* The Assigned Deterioration Factor Durability Program is applicable to light-duty vehicles and light-duty trucks certified under the small volume manufacturer provisions of §§ 86.094-1(e) and 86.094-14(b).

(ii) *Small volume engine families.* The Assigned Deterioration Factor Durability Program is available to light-duty vehicles and light-duty trucks certified under the small volume engine family provisions of § 86.094–24(e)(2).

(2) *Determination of deterioration factors.* No service accumulation method or vehicle/component selection method is required. Deterioration factors are proposed by the manufacturer or assigned by the Administrator based on the provisions of § 86.094–14(c)(7)(i)(C).

(3) *In-use verification.* The Assigned Deterioration Factor Durability Program includes no requirement for manufacturer testing of in-use vehicles subsequent to certification.

(4) *Data reporting requirements.* Data reporting requirements for the Assigned Deterioration Factor Durability Program are contained in § 86.094–14(c)(4), (c)(6), and (c)(11)(ii).

[58 FR 4002, Jan. 12, 1993, as amended at 59 FR 36369, July 18, 1994; 62 FR 11082, Mar. 11, 1997; 62 FR 44875, Aug. 22, 1997]

§ 86.094–14 Small-volume manufacturers certification procedures.

(a)(1) The small-volume manufacturers certification procedures described in paragraphs (b) and (c) of this section are optional. Small-volume manufacturers may use these optional procedures to demonstrate compliance with the general standards and specific emission requirements contained in this subpart.

(2) To satisfy the durability data requirements of the small-volume manufacturers certification procedures, manufacturers of vehicles (or engines) as described in paragraph (b) of this section may use assigned deterioration factors that the Administrator determines by methods described in paragraph (c)(7)(i)(C) of this section. However, if no deterioration factor data (either the manufacturer's or industry-wide deterioration factor data) are available from previously completed durability data vehicles or engines used for certification, manufacturers of vehicles (or engines) as described in paragraph (b) of this section or with new technology not previously certified may use assigned deterioration factors that the Administrator deter-

mines by alternative methods, based on good engineering judgement. The factors that the Administrator determines by alternative methods will be published in an advisory letter or advisory circular.

(b)(1) The optional small-volume manufacturers certification procedures apply to light-duty vehicles, light-duty trucks, heavy-duty vehicles, and heavy-duty engines produced by manufacturers with U.S. sales, including all vehicles and engines imported under the provisions of §§ 85.1505 and 85.1509 of this chapter (for the model year in which certification is sought) of fewer than 10,000 units (Light-Duty Vehicles, Light-Duty Trucks, Heavy-Duty Vehicles and Heavy-Duty Engines combined).

(2) For the purpose of determining the applicability of paragraph (b)(1) of this section, the sales the Administrator shall use shall be the aggregate of the projected or actual sales of those vehicles and/or engines in any of these groupings:

(i) Vehicles and/or engines produced by two or more firms, one of which is 10 percent or greater part owned by another;

(ii) Vehicles and/or engines produced by any two or more firms if a third party has equity ownership of 10 percent or more in each of the firms;

(iii) Vehicles and/or engines produced by two or more firms having a common corporate officer(s) who is (are) responsible for the overall direction of the companies;

(iv) Vehicles and/or engines imported or distributed by all firms where the vehicles and/or engines are manufactured by the same entity and the importer or distributor is an authorized agent of the entity.

(3) If the aggregated sales, as determined in paragraph (b)(2) of this section are less than 301 units, the manufacturers in the aggregated relationship may certify under the provisions in this section that apply to manufacturers with sales of less than 301 units.

(4) If the aggregated sales, as determined in paragraph (b)(2) of this section are greater than 300 but fewer than 10,000 units, the manufacturers in